

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): David C. Racenet

SERIAL NO.: 10/529,800

GROUP: Art Unit - not yet assigned

FILED: March 30, 2005

DATED: September 16, 2005

FOR: **TOOL ASSEMBLY FOR SURGICAL STAPLING DEVICE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to Applicant(s) duty of disclosure, the information listed in the attached form PTO/SB/08A is brought to the attention of the Examiner. Copies of the foreign references are attached hereto.

The following non-English foreign references were cited for the following reasons:

French publication no. 2681775 was cited to illustrate an endoscopic instrument having an articulatable tool assembly. See FIG. 6.

French publication no. 2,542,188 was cited to illustrate a surgical stapling device including a cartridge 19 and an anvil 20. See FIG. 1.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 16, 2005.

Dated: September 16, 2005

Christopher G. Trainor
Christopher G. Trainor

German publication no. 4,213,426 was cited to show an endoscopic surgical instrument including a remotely controlled tool assembly.

German publication no. 4,300,307 was cited to show an endoscopic instrument having an articulating remotely controlled tool assembly.

European publication no. 0369324 was cited to show an endoscopic surgical instrument having a pair of remotely controlled jaws. See FIG. 1.

USSR publication nos. 659146 and 728848 were cited to illustrate surgical stapling devices having a cartridge assembly and an anvil assembly.

USSR publication nos. 980703 and 990220 were cited to show endoscopic devices having an articulating remotely controlled tool member.

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art.

The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b). To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.

[X] Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or §1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 21-0550. Also, in the event any extensions of time for responding and/or a petition under 37 C.F.R. §1.17(i)(i) are required for the pending application(s), please treat this paper as a petition to extend the time and/or enter this Information Disclosure Statement as required and charge Deposit Account No. 21-0550 therefor. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

The claims of this application as now presented are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of this application is respectfully requested.

Respectfully submitted,

Christopher G. Trainor

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/529,800
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First Named Inventor	David C. Racenet
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	2863US (203-3511PCTUS)

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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-6,905,057	06/14/2005	Swayze et al.	
		US-6,889,116	05/03/2005	Jinno	
		US-6,879,880	04/12/2005	Nowlin et al.	
		US-6,877,647	04/12/2005	Green et al.	
		US-6,843,403	01/18/2005	Whitman	
		US-6,835,119	12/28/2004	Hori	
		US-6,830,174	12/14/2004	Hillstead et al.	
		US-6,808,262	10/26/2004	Chapoy et al.	
		US-6,786,382	09/07/2004	Hoffman	
		US-6,783,524	08/31/2004	Anderson et al.	
		US-6,755,338	06/29/2004	Hahnen et al.	
		US-6,731,473	05/04/2004	Li et al.	
		US-6,722,552	04/20/2004	Fenton, Jr.	
		US-6,716,232	04/06/2004	Vidal et al.	
		US-6,698,643	03/02/2004	Whitman	
		US-6,669,073	12/30/2003	Milliman et al.	
		US-6,656,193	12/02/2003	Grant et al.	
		US-6,644,532	11/11/2003	Green et al.	

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Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		France 2681775	10/1991			
		France 2542188	9/1984			
		Germany 4213426	10/1992			
		Germany 4300307	7/1994			
		EPO 0369324	5/1990			

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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		Number-Kind Code ² (if known)			
		US-6,619,529	09/16/2003	Green et al.	
		US-6,612,053	09/02/2003	Liao	
		US-6,602,252	08/05/2003	Mollenauer	
		US-6,594,552	07/15/2003	Nowlin et al.	
		US-6,592,597	07/15/2003	Grant et al.	
		US-6,587,750	07/01/2003	Gerbi et al.	
		US-6,565,554	05/20/2003	Niemeyer	
		US-6,554,844	04/29/2003	Lee et al.	
		US-6,544,274	04/08/2003	Danitz et al.	
		US-6,505,768	01/14/2003	Whitman	
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		US-6,488,196	12/03/2002	Fenton, Jr.	
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		US-6,330,965	12/18/2001	Milliman et al.	
		US-6,325,810	12/04/2001	Hamilton et al.	

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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		USSR 659146	4/1979			
		USSR 728848	5/1977			
		Russian Federation 980703	12/1982			
		Russian Federation 990220	1/1983			
		EPO 0552423	7/1993			

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		Number-Kind Code ² (if known)			
		US-6,315,184	11/13/2001	Whitman	
		US-6,315,183	11/13/2001	Piraka	
		US-6,279,809	08/28/2001	Nicolo	
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		US-6,241,139	06/05/2001	Milliman et al.	
		US-6,202,914	03/20/2001	Geiste et al.	
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		US-5,980,510	11/09/1999	Tsontou et al.	
		US-5,954,259	09/21/1999	Viola et al.	
		US-5,922,001	07/13/1999	Yoon	

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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		EPO 0598579	5/1994			
		EPO 0621006	10/1994			
		United Kingdom 2048685	12/1980			
		United Kingdom 2165559	4/1986			
		United Kingdom 1452185	10/1976			

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		Number-Kind Code ² (if known)			
		US-5,919,198	07/06/1999	Graves, Jr. et al.	
		US-5,918,791	07/06/1999	Sorrentino et al.	
		US-5,911,353	06/15/1999	Bolanos et al.	
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		US-5,897,562	04/27/1999	Bolanos et al.	
		US-5,873,873	02/23/1999	Smith et al.	
		US-5,871,135	02/16/1999	Williamson IV et al.	
		US-5,865,361	02/02/1999	Milliman et al.	
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		US-5,836,147	11/17/1998	Schnipke	
		US-5,833,695	11/10/1998	Yoon	
		US-5,829,662	11/03/1998	Allen et al.	
		US-5,826,776	10/27/1998	Schulze et al.	
		US-5,823,066	10/20/1998	Huitema et al.	
		US-5,820,009	10/13/1998	Melling et al.	
		US-5,817,109	10/06/1998	McGarry et al.	
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		US-5,814,055	09/29/1998	Knodel et al.	

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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WIPO 9308754	5/1993			
		WIPO 9314706	8/1993			
		EPO 0589306	3/1994			
		EPO 0136950	4/1985			
		EPO 0220029	4/1987			

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		Number-Kind Code ² (if known)			
		US-5,810,855	09/22/1998	Rayburn et al.	
		US-5,810,811	09/22/1998	Yates et al.	
		US-5,797,538	08/25/1998	Heaton et al.	
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		US-5,782,834	07/21/1998	Lucey et al.	
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		US-5,779,132	07/14/1998	Knodel et al.	
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		US-5,772,673	06/30/1998	Cuny et al.	
		US-5,769,303	06/23/1998	Knodel et al.	
		US-5,762,256	06/09/1998	Mastri et al.	
		US-5,762,255	06/09/1998	Chrisman et al.	
		US-5,752,644	05/19/1998	Bolanos et al.	
		US-5,749,893	05/12/1998	Vidal et al.	
		US-5,743,456	04/28/1998	Jones et al.	

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		EPO 0591946	4/1994			
		EPO 0592243	4/1994			
		EPO 0621009	10/1994			
		EPO 0656188	6/1995			
		EPO 0213817	11/1987			

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		US-5,728,110	03/17/1998	Vidal et al.	
		US-5,725,554	03/10/1998	Simon et al.	
		US-5,725,536	03/10/1998	Oberlin et al.	
		US-5,716,366	02/10/1998	Yates	
		US-5,713,505	02/03/1998	Huitema	
		US-5,711,472	01/27/1998	Bryan	
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		US-5,680,982	10/28/1997	Schulze et al.	
		US-5,680,981	10/28/1997	Mililli et al.	
		US-5,676,674	10/14/1997	Bolanos et al.	
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		US-5,673,841	10/07/1997	Schulze et al.	
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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		EPO 0273468	7/1988			
		EPO 0324638	7/1989			
		EPO 0373762	6/1990			
		EPO 0380025	8/1990			
		EPO 0449394	10/1991			

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/529,799
Filing Date	March 30, 2005
First Named Inventor	Olson et al.
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	2863US (203-3511PCTUS)

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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-5,669,544	09/23/1997	Schulze et al.	
		US-5,667,517	09/16/1997	Hooven	
		US-5,662,666	09/02/1997	Onuki et al.	
		US-5,662,662	09/02/1997	Bishop et al.	
		US-5,662,260	09/02/1997	Yoon	
		US-5,662,259	09/02/1997	Yoon	
		US-5,662,258	09/02/1997	Knodel et al.	
		US-5,658,300	08/19/1997	Bito et al.	
		US-5,657,921	08/19/1997	Young et al.	
		US-5,655,698	08/12/1997	Yoon	
		US-5,653,721	08/05/1997	Knodel et al.	
		US-5,653,374	08/05/1997	Young et al.	
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		EPO 0489436	6/1992			
		EPO 0503662	9/1992			
		EPO 0514139	11/1992			
		EPO 0537572	4/1993			

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Application Number	10/529,800
Filing Date	March 30, 2005
First Named Inventor	David C. Racenet
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	2863US (203-3511PCTUS)

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		US-5,630,539	05/20/1997	Plyley et al.	
		US-5,628,446	05/13/1997	Geiste et al.	
		US-5,626,587	05/06/1997	Bishop et al.	
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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		United Kingdom 2141066	12/1984	United Kingdom		
		WIPO WO9210976	7/1992	WIPO		
		WIPO WO8302247	7/1993	WIPO		
		EPO 0324637	7/1989	EPO		
		EPO 0041022	12/1981	EPO		

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Application Number	10/529,800
Filing Date	March 30, 2005
First Named Inventor	David C. Racenet
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	2863US (203-3511PCTUS)

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U.S. PATENT DOCUMENTS

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		Number-Kind Code ² (if known)			
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		US-5,562,239	10/08/1996	Boiarski et al.	
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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
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		EPO 0545029	6/1993			
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Examiner Name	Unassigned
Attorney Docket Number	2863US (203-3511PCTUS)

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		EPO 0365153	8/1995			
		United Kingdom 1555455	11/1979			
		United Kingdom 2070499	9/1981			
		United Kingdom 1352554	4/1971			
		EPO 0373762	6/1990			

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Application Number	10/529,800
Filing Date	March 30, 2005
First Named Inventor	David C. Racenet
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	2863US (203-3511PCTUS)

Sheet 11 of 17

U.S. PATENT DOCUMENTS

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		Number-Kind Code ² (if known)			
		US-5,464,300	11/07/1995	Crainich	
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		EPO 0666057	08/1995			
		EPO 0593920	04/1994			
		EPO 0705571	04/1996			
		EPO 0140552	05/1985			
		EPO 0324635	07/1989			

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First Named Inventor	David C. Racenet
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		US-5,376,095	12/27/1994	Ortiz	
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		US-5,332,142	07/26/1994	Robinson et al.	
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		US-5,326,013	07/05/1994	Green et al.	
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		US-5,282,807	02/01/1994	Knoepfler	
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		EPO 0399701	11/1990			
		EPO 0552050	7/1993			
		WO 89/10094	11/1989			
		EPO 0156774	10/1985			
		EPO 0216532	4/1987			

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Application Number	10/529,800
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First Named Inventor	David C. Racenet
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	2863US (203-3511PCTUS)

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U.S. PATENT DOCUMENTS

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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
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